

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**  
11020 Sun Center Drive, #200 Rancho Cordova, California 95670-6114

**NOTICE OF PUBLIC HEARING**

concerning

*Consideration of a Proposed Administrative Civil Liability Order  
for*

**MR. FRANK GUINTA,  
MS. SHARI GUINTA,  
MR. JAMES RAMSEY,  
AND MRS. MARILYN RAMSEY**

**“FRANKS ONE STOP”  
SAN JOAQUIN COUNTY**

In December 2005, the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board or Board), issued a Complaint for Administrative Civil Liability (Complaint) in the amount of \$400,000 to Mr. Frank and Mrs. Shari Guinta, Guinta Enterprises, Mr. James and Mrs. Marilyn Ramsey (hereafter “Dischargers”) for failure to comply with provisions of Cleanup and Abatement Order (CAO), No. R5-2003-0713. The Dischargers waived their statutory right that a hearing be held within 90 days from the date of service of the Complaint.

The Complaint alleges that the Dischargers failed to comply with the cleanup directives in CAO No. R5-2003-0713, which required cleanup of a release of petroleum associated with Franks One Stop, a gasoline service station located at 2072 West Yosemite Avenue, San Joaquin County, California.

The proposed Administrative Civil Liability Order (Order) is issued against each Discharger named in the CAO, excluding Guinta Enterprises. Guinta Enterprises was not included in the proposed Order because Regional Board staff has not been able to verify the involvement of Guinta Enterprises at the subject site.

**Time**

A public hearing concerning this matter will be held during the Regional Board meeting, which is scheduled for:

DATE: 26/27 October 2006  
TIME: 8:30 a.m.  
PLACE: Central Valley Regional Water Quality Control Board  
Hearing Room  
11020 Sun Center Dr #200  
Rancho Cordova, CA 95670-6114

The board meeting agenda made available to the public two weeks prior to the board meeting will identify on which of these days the hearing will be held.

### **Designated Parties & Interested Persons**

The designated parties for this hearing are as follows:

- Staff of the Regional Board
- Frank Guinta
- Shari Guinta
- James Ramsey and Marilyn Ramsey

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Regional Board no later than **6 October 2006**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge. Objections to requests for designated party status must be submitted in writing to the Regional Board no later than **13 October 2006**. See below for instructions on where to send requests and objections.

### **Conduct of Hearing**

The procedures governing Regional Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code Section 11500 et seq. The procedures may be obtained by accessing [http://www.waterboards.ca.gov/water\\_laws/](http://www.waterboards.ca.gov/water_laws/). Information on meeting and hearing procedures is also available on the Regional Board's website at [http://www.waterboards.ca.gov/centralvalley/board\\_meetings/mtgprocd.html](http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html) or by contacting any one of the Regional Board's offices. Questions regarding such procedures should be directed to Ms. Janice Tanaka at (916) 464-4839.

To help assure the fairness and impartiality of this hearing, staff and counsel have separated the functions of those who will present evidence for consideration by the Board in a prosecutorial manner from those who will provide advice to the Board.

The following staff serves in the prosecutorial function and may be presenting evidence to the Board: Kenneth Landau and Jack Del Conte, Regional Board Assistant Executive Officers; Brian Newman; Robert Busby; and James Barton. David Boyers, attorney with the State Water Board's Office of Chief Counsel, will provide legal advice to these staff. David Boyers is a regular advisor to the Regional Board.

Pamela Creedon, Regional Board Executive Officer will be providing technical advice to the Board on this matter and Frances McChesney, attorney with the State Water Board's Office of the Chief Counsel, will provide legal advice to the Board.

**Submission of Written Materials**

Any person wishing to submit evidence or comments on this matter must do so on or before **6 October 2006**. See below for instructions on where to send written submissions and the number of copies required. Evidence or comments submitted after this date will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party. Any person seeking to submit late evidence must justify why the evidence could not have been submitted earlier.

Regional Board staff's written responses to comments, if any, must be provided to the Regional Board and all designated parties on or before **20 October 2006**. All designated parties and interested persons may speak at the Regional Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross-examination will be limited in time by the Regional Board Chair.

**Instructions for Submitting Documents**

Copies of all written submissions, including evidence, requests for designated party status, and procedural objections or motions, must be sent to:

**For the Central Valley Water Board:**

Originals of all documents to:	And <b>one</b> copy to:
Pamela Creedon Executive Officer Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, #200 Rancho Cordova, CA 95670-6114	Frances McChesney, Esq. Senior Staff Counsel State Water Resources Control Board Office of Chief Counsel 1001 I Street Sacramento, CA 95812

**For Regional Board Prosecution Staff:**

Originals of all documents to:	And <b>one</b> copy to:
Kenneth D. Landau Assistant Executive Officer or Prosecutorial Team Regional Water Quality Control Board, Central Valley Region 11020 Sun Center Drive, #200 Rancho Cordova, CA 95670-6114	David Boyers, Esq. Senior Staff Counsel State Water Resources Control Board Office of Chief Counsel 1001 I Street Sacramento, CA 95812

**For Frank Guinta:**

Originals of all documents to:
Mr. Frank Guinta 1892 Olivewood Court Manteca, CA 95336

**For Shari Guinta:**

Originals of all documents to:
Ms. Shari Guinta 690 Tabor Drive Scotts Valley, CA 95066

**For James and Marilyn Ramsey:**

Originals of all documents to:
Mr. James and Mrs. Marilyn Ramsey P.O. Box 544 Mountain Ranch, CA 95246

**You must submit hard copies of all evidence, comments or other written documents that you want to provide to the Regional Board members.** In addition to the above recipients, submit nine paper copies of all evidence, comments or other written documents (i.e., everything other than procedural objections, motions or requests for designated party status) that you want to provide to the Regional Board members to:

Janice Tanaka  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
jtanaka@waterboards.ca.gov

Anyone having questions on the proposed Administrative Civil Liability Order or related documents should contact Robert Busby, (916) 464-4736. Interested parties may download the proposed Order and related documents from the Regional Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. If you do not have Internet access or would like to receive a hard copy of these documents, these documents may be inspected and copied at the Regional Board's office at 11020 Sun Center Drive, Rancho Cordova, California, 95670 weekdays between 8:00 a.m. and 5:00 p.m. by appointment or you may request a copy be mailed to you by telephoning James Barton, (916) 464-4615.

**Hearing Facilities**

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Para mas informacion o respondes de preguntas tocante esta noticia, llame al (916) 464-4634 y pregunte por la Sra. Leticia Valadez, vocero por El Consejo de Manejo de Recursos Hidricos Estatales.

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Frances McChesney, Senior Staff Counsel